

SAMPLE FINAL JURY INSTRUCTION RE: ELECTRONIC MEDIA

DUTY TO DELIBERATE

How you conduct your deliberations is up to you, but I recommend that the first thing you do is select a foreperson. You have now heard all of the evidence. Once the arguments of counsel are completed, you will be free to talk about the case in the jury room. Please remember that the discussions about the case should only take place when all jurors are present. In fact, it is your duty to talk to each other about the evidence, and to make every reasonable effort you can to reach unanimous agreement. Talk with each other, listen carefully and respectfully to each other's views, and keep an open mind as you listen to what your fellow jurors have to say. Try your best to work out your differences. Do not hesitate to change your mind if you are convinced that other jurors are right and that your original position was wrong.

But do not ever change your mind just because other jurors see things differently, or just to get the case over with. In the end, your vote must be exactly that – your own vote. It is important for you to reach unanimous agreement, but only if you can do so honestly and in good conscience.

No one will be allowed to hear your discussions in the jury room, and no record will be made of what you may say. So you should all feel free to speak your minds.

Listen carefully to what other jurors have to say, and then decide for yourself if the government has proven the defendant guilty beyond a reasonable doubt.

Once you start deliberating, do not talk to the jury officer, or to me, or to anyone else except each other about the case. Further, you may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry or computer; the Internet, any Internet service, or any text or instant messaging service; or any Internet chat room, blog, or social networking website such as Twitter, Facebook, My Space, LinkedIn, or YouTube, to communicate

to anyone any information about this case or to conduct any research about this case until I accept your verdict.

If you have questions or messages, you must write them down on a piece of paper and put the note in one of the envelopes provided; then give the envelope to the jury officer. The officer will give the envelope to me, and I will respond to your note as soon as I can. I will have to talk to the lawyers about what you have asked, so it may take some time to get back to you. Any questions or messages normally should be written and signed by your foreperson.

One more thing about messages. Do not ever write down or tell anyone how you stand on your votes. For example, do not write down or tell anyone that you're split 6-6, 8-4, or whatever your vote happens to be. That should stay secret until you are finished.